Glossary of Terms

Enquiry

An enquiry is a request for information or advice. It is *not* a complaint.

Complaint

A complaint is a specific allegation against an organisation, or any staff of the organisation, for any wrong doing or defective decision/action which affects and aggrieves the complainant either personally as an individual or collectively as a body corporate.

Potential Complaint

This refers to an anonymous complaint or a complaint addressed to an organisation and copied to The Ombudsman. Potential complaints are regarded as not for action at all or for the time being. The Ombudsman may intervene if the organisation concerned fails to follow up appropriately.

Maladministration

"Maladministration" is defined under Section 2 of The Ombudsman Ordinance. Basically it means inefficient, bad or improper administration and includes unreasonable conduct, abuse of power or authority, unreasonable, unjust, oppressive or improperly discriminatory procedures.

Complaints Investigated

This refers to investigation of a complaint in accordance with Section 12 of The Ombudsman Ordinance. On completion, one of the following conclusions will be drawn:

– ***Substantiated, Partially Substantiated or Unsubstantiated***

  This refers to the degree to which the action/inaction/decision subject to complaint is found to be within the meaning of "maladministration" as defined in Section 2 of The Ombudsman Ordinance. If all aspects taken together show that there is maladministration, the complaint would be concluded as substantiated. If found in only one or some of the aspects, it would only be concluded as partially substantiated. If no maladministration is found, it would be concluded as unsubstantiated.

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– ***Incapable of Determination***

This refers to the situation where no conclusion can be drawn because all the evidence gathered from investigation is found to be conflicting, irreconcilable, incomplete or lacking in corroboration from independent witnesses.

Complaints Handled by Alternative Dispute Resolution

This refers to the handling of a complaint other than by investigation. It can be one of the following methods:

– ***Internal Complaint Handling Programme (INCH)***

With the consent of complainants, simple cases are referred to organisations for investigation and reply. The Ombudsman monitors the process and intervenes where the reply is not satisfactory.

– ***Rendering Assistance/Clarification (RAC)***

The office conducts extensive preliminary inquiries and presents findings with observations to the complainant. The Ombudsman may suggest improvement on systemic problems.

– ***Mediation***

This is a voluntary process where complainants and representatives of the organisations concerned agree to meet. Investigators from this Office act as impartial facilitators of the dialogue.

Complaints Screened Out

This refers to a complaint not pursued because of one or more of the following reasons:

– ***Outside Jurisdiction***

The Ombudsman is precluded from investigating the subject or the organisation under The Ombudsman Ordinance.

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– ***Restrictions on Investigation***

These refer to restrictions on investigation (such as time bar, identity and status of complainant) as set out in Section 10 of The Ombudsman Ordinance.

Cases Withdrawn or Discontinued

This refers to a complaint not investigated further because:

(a) it is subsequently found to be outside The Ombudsman's jurisdiction;
(b) there is no basis for further investigation;
(c) the complainant withdraws it voluntarily; or
(d) the complainant cannot be reached despite repeated attempts over a reasonable period.

Direct Investigation

This refers to an investigation initiated under Section 7 of The Ombudsman Ordinance notwithstanding the absence of a complaint.

Direct Investigation Assessment

This refers to the examination of an issue in the public interest or of community concern which has been identified as a potential subject for direct investigation. The assessment includes comprehensive appraisal of background information, the extent of public concern, the remedial actions by the relevant authorities and the resources and other operational considerations.